



State of West Virginia
Department of Military Affairs and Public Safety
Division of Administrative Services, Justice and Community Services

1124 Smith Street, Suite 3100
Charleston, WV 25301

(304) 558-8814

JEFF S. SANDY, CFE, CAMS
CABINET SECRETARY

JENNIFER A. WILSON
DIRECTOR

To: The Honorable Mac Warner
Secretary of State

From: Retired Captain Chuck Sadler, Manager
West Virginia Law Enforcement Professional Standard (LEPS) Program

Date: May 22, 2020

RE: Temporary Suspension of Certain Provisions of CSR Title 149 Series 2

FILED
2020 MAY 26 A 8:05
OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

The West Virginia Law Enforcement Professional Standards (LEPS) Subcommittee is the state entity, in conjunction with the LEPS Program of the Justice and Community Services of the Division of Administrative Services, Department of Military Affairs and Public Safety, charged with the oversight of the certification of the state's approximately 3,600 sworn law enforcement officers.

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

In accord with the March 16, 2020 Emergency Proclamation the LEPS Subcommittee and the LEPS Program respectfully requests that the following provisions of CSR Title 149, Series 2, specifically 10.1 and 10.2, be temporarily suspended through June 30, 2020:

§149-2-10. Annual In-Service Training and Firearms Qualifications.

10.1. Annual in-service training required by the Subcommittee for continued certification shall consist of a minimum of sixteen (16) hours, exclusive of firearms qualification.

Memorandum
Temporary Rule Provision Suspension
§149-2-10.1 and 10.2
May 22, 2020
Page 2 of 2

10.2. It is the responsibility of each law enforcement agency to require, at a minimum, semi-annual firearms qualifications of all active officers, with the officer's primary duty weapon, which unless previously requested and approved by the Subcommittee will be considered the officer's handgun, one of which will be a low light firing for qualification. All qualifications shall be separated by a minimum period of three (3) months.

The preceding sections of this rule addressing the law enforcement training and certification standards, and the amount of in-service (law enforcement version of continuing education units) and the number and types of firearms qualifications required to be completed during an annual fiscal year cycle by a certified sworn law enforcement officer in this state, place many of these individual officers, and their respective agencies, in a position where they are unable to comply during the period of the emergency as declared by the Governor.

The police agencies, and their respective officers, have been required to address the state of emergency. Further, the requirements set by the Governor as to the numbers of people who may gather in one location have caused such trainings and firearms qualifications to be unsafe and in violation of the Governor's emergency order, hence causing those police trainers and organizations who present such in-service training and firearms qualifications to postpone or cancel these trainings and firearms qualifications.

All of the state's sworn certified law enforcement officers hold a professional certification that will expire on June 30, 2020. Approximately one-half of those officers, 1,800, are projected at this time to be unable to finish the training and firearms qualifications required to be completed by that time because of the shortage of approved training and firearms qualification events caused by the state of emergency. The temporary suspension of §149-2-10.1 and 10.2 will facilitate the protection of the public by allowing these officers to remain certified, and thereby able to continue working, beyond the current June 30, 2020 expiration deadline.

Thank-you for your time and attention to this request. If granted the LEPS Subcommittee and the LEPS Program requests that the identified rule provisions be suspended through June 30, 2020.